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September 4, 2013

Honorable Joel A. Pisano
United States District Judge
United District Court
For the District of New Jersey
Clarkson S. Fisher U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *U.S. v. Weinstein*, 11-cr-701 (JAP)

Dear Judge Pisano:

I am writing to comply with the Order Your Honor issued today directing that a letter be filed confirming receipt of the Court's setting of a hearing on September 11, 2013 at 11:00 a.m., on pending motions, including my pending motion to quash the grand jury subpoena directed to me. I would note that the Krovatin law firm has joined in the motion to quash (as applied to the subpoena delivered to them), [DE 106] and I assume that will be heard at the same time.

Since I no longer represent any party in this case, I do not receive ECF notice of any developments in the case (and, as previously noted, I cannot file anything on my own behalf through the ECF system, so I have to e-file through an actual party to the case; but I try to make clear that the filing is on my behalf).

I learned about the September 11th hearing from an email I received this morning from counsel for Mr. Weinstein advising Mr. Klingeman and me that it had been set, but that defense counsel had asked for it to be moved to either September 9th or 13th because of a conflict with a trial he has. I then went on Pacer and saw the Court's Order setting the hearing and directing that all confirm receipt. I also see that government counsel has filed its confirmation of receipt [DE 104].

If the Court is inclined to move the hearing to the 9th, I can make myself available; but I would ask that it be set no earlier than the current 11 a.m. setting if that is possible.

Because of my observance of the Rosh Hashana holiday, beginning this evening I am prohibited from working, e-mailing, talking on the phone, etc. and this continues until late Saturday night. I will likely first learn then about whatever decision has been made on scheduling and I could make a reservation to fly in for the hearing. I have to be in Atlanta on Sunday (and it is a religious fast day); but I could fly in first thing Monday morning (the 9th) and come right to the courthouse in Trenton. The 13th is more problematic because of Yom Kippur, which starts that evening. I would have to be back in Atlanta by no later than 5:00 p.m. (and that

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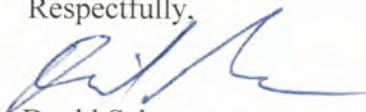
would still mean missing services earlier in the afternoon. In any event, I will plan to check on Pacer before this evening and then again on Saturday night late to see when the hearing is set.

As Your Honor undoubtedly is aware, the Jewish holidays (Sukkot) pick up again the following week beginning Wednesday night (9/18/13) through the end of that week and the same the week after that, with similar prohibitions on work, travel, etc.

To summarize, I confirm receipt of the notice that the hearing is set for September 11th at 11:00 a.m. I can appear on that date and time; but I do not wish to interfere with anyone else's schedule. I can appear on September 9th after 11:00 a.m. I cannot appear on September 13th. The following week, I can appear on the 16th or 17th. The week after that, I can appear on the 23rd or 24th.

I thank the Court for Your Honor's consideration.

Respectfully,



David Schoen

cc: All counsel of record (via ECF)
Henry Klingeman, Esq. (Via email)
Gerald Krovatin, Esq. (Via email)